THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.4992 of 2007

Between:

G.P.Venkateswarlu and others.

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PETITIONERS

and

The Agent to the Government,
Khammam and others.

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RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.4992 of 2007

ORDER:

It is the case of the petitioners that their mother by name Ganapa Chandramma purchased dry land to an extent of Ac.4-28 gts. in Sy.No.155 situated at Machinenipeta village, Julurupadu Mandal, Khammam District from the 4th respondent on 22-03-1967 for a sum of Rs.1,400/- on a Sada Sale Deed and she has been in continuous possession and enjoyment of the said land. While so, the 2nd respondent initiated a case on a report of the Mandal Revenue Officer, Julurpadu, in L.T.R.Case No.753/94/JLP. Notices were issued to both Ganapa Chandramma and the original owner of the said land Chennapragada Seshamma and the Ganapa Chandramma failed to submit any explanation and also failed to produce any documentary evidence in support of her claim that she purchased the said land before Regulation 1 of 1970. It is stated that the transfer of an immovable property belonging to one non-tribal in favour of another non-tribal is in contravention of Sub-Section 1 of Section 3 as laid in the A.P.Scheduled Areas Land Transfer Regulation 1/1959 as amended by Regulation 1/1970 and accordingly ordered ejectment of the said Ganapa Chandramma by order, dated 06-02-1997. Aggrieved by the same, the petitioners herein filed an appeal before the 1st respondent along with an application to condone the delay of 299 days in filing the appeal, but the same were dismissed on 01-11-1998 on the ground that inspite of serving notice on Ganapa Chandramma, she failed to submit any documentary evidence in support of her claim and, therefore, it presumed that the possession of the petitioners herein is only after 1970, when Regulation 1/1970 came into force. Hence, the possession of the petitioners herein is illegal and in contravention of Regulation 1/1970.

Aggrieved by the said order, this writ petition has been filed after

lapse of nearly 9 years i.e., on 26-02-2007 that too without filing any documentary evidence in support of the claim of the petitioners that their mother purchased the land in question prior to Regulation 1/1970.

In view of the aforesaid facts and circumstances of the case, I am of the opinion that the writ petition has to be dismissed on the ground of lapse as well as on merits, as there is no documentary evidence in support of the claim of the petitioners that their mother purchased the land in question prior to Regulation 1/1970.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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08-06-2007

Prv